

SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,

WILLIAM D. HOWELL, III,
Bar No. 020188

RESPONDENT.

) Supreme Court
) No. SB-07-0014-D
)

) Disciplinary Commission
) Nos. 02-1548, 02-2379, 03-0499,
) 03-1213, 04-0910, 04-1282,
) 05-0375, 05-1984, 05-1991
)

) **JUDGMENT AND ORDER**
)

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and there having been no discretionary review,

IT IS ORDERED, ADJUDGED AND DECREED that **WILLIAM D. HOWELL, III**, a member of the State Bar of Arizona, is hereby censured for conduct in violation of his duties and obligations as a lawyer, as disclosed in the Disciplinary Commission Report.

IT IS FURTHER ORDERED that **WILLIAM D. HOWELL, III** shall be placed on probation for a period of six-months. Bar Counsel shall notify the Disciplinary Clerk of the date on which the probation begins. The terms of probation are as follows:

- 1) Respondent's probation shall commence immediately upon the issuance of the final Judgment and Order and shall last for six months, but will not formally terminate until the receipt of the report from Respondent's Practice Monitor indicating that Respondent is satisfactorily complying with the recommendations of the Law Office Management Assistance Program director in Files No. 02-1548, 02-2379, 03-0499, and 03-1213 and the requirements of the probation in this matter, including completion of Ethic Enhancement Program.
- 2) Respondent shall, within 30 days of the final Judgment and Order, provide quarterly reports currently delinquent pursuant to the Memorandum of Understanding in File Nos. 02-1548, 02-2379, 03-0499, and 03-1213, and will continue to timely provide them thereafter until his term of probation is concluded. Should the provision regarding the use of a practice monitor be stricken due to Respondent's inability to secure one, pursuant to section 4 below, Respondent's probation shall terminate upon completion of the Ethic Enhancement Program.

- 3) Respondent shall promptly upon presentation sign the probation contract prepared in this matter and shall return it to the State Bar, Law Office Management Assistance Program, no later than five days after it is received. The probation contract will be conveyed to Respondent by certified mail, return receipt requested. The receipt date, as indicated on the certified mail notification card, will be the receipt date for purposes of Respondent's probation.
- 4) Respondent shall make diligent efforts to secure the assistance of a practice monitor. The State Bar, through Law Office Management Assistance Program, will assist Respondent in locating a practice monitor. Should Respondent or the State Bar be unable to locate a practice monitor within three months of the signing of the probation contract, that provision will be removed from the probation contract provided that Respondent demonstrates his diligent efforts to locate a practice monitor. Diligent efforts shall be evidenced by Respondent's providing documentation showing contact, by mail or by e-mail, with at least one suitable person each week for two months in an effort to locate a practice monitor. Before contacting a potential practice monitor, Respondent shall obtain the approval of Law Office Management Assistance Program of the potential practice monitor as a suitable person.
- 5) Respondent shall complete the next Ethic Enhancement Program class offered after the final Judgment and Order is issued, unless he demonstrates that he has a court calendar conflict that he could not, after diligent and reasonable efforts, resolve. In such instance, Respondent shall attend and complete Ethic Enhancement Program within one year of the signing of the probation contract.
- 6) Respondent shall respond to all communications from the State Bar within two working days.
- 7) Respondent shall pay the costs incurred by the State Bar in these disciplinary proceedings.
- 8) In the event that Respondent fails to comply with any of the foregoing conditions, and the State Bar receives information to that effect, bar counsel shall file with the Hearing Officer a Notice of Non-Compliance, pursuant to Rule 60(a)5, Ariz. R. Sup. Ct. The Hearing Officer shall conduct a hearing within thirty days after receipt of said notice, to determine whether the terms of probation have been violated and if an additional sanction should be imposed. In the event there is an allegation that any of these terms have been violated, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by clear and convincing evidence.

IT IS FURTHER ORDERED that pursuant to Rule 60(b), the State Bar of Arizona is granted judgment against **WILLIAM D. HOWELL, III** for costs and expenses of these proceedings in the amount of \$2,755.87, together with interest at the legal rate from the date of this judgment.

DATED this 23rd day of February, 2007.



NOEL K. DESSAINT
Clerk of the Court

TO:

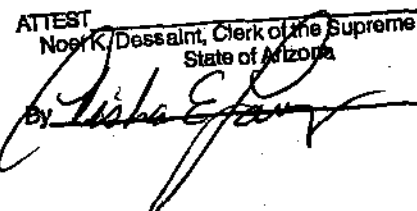
William D. Howell, Respondent (Certified Mail, Return Receipt and Regular Mail)
Roberta L. Tepper, Bar Counsel
Steven M. Friedman, Hearing Officer #9Q
Lauren E. Eiler, Disciplinary Clerk (Cert. Copy)
Sandra Montoya, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)
Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)
Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)
West Publishing Company (Jode Ottman)
Lexis-Nexis

tel

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noel K. Dessaint, Clerk of the Supreme Court
State of Arizona

By  Deputy